

11 CV. 1195UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYQUAN HASKINS 241-10-10879
15-15 Hazen St
EAST ELMHURST N.Y. 11370

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

under the
 Civil Rights Act, 42 U.S.C. § 1983
 (Prisoner Complaint).

Jury Trial: ☒ Yes ☐ No
 (check one)

-against-

Governmental Authority
41st precinct 1035 Longwood Ave Bronx N.Y. 10459
Cahlos Marchena Shield 029700

Cahlos Marchena shield 029700
41st precinct
1035 Longwood Avenue Bronx N.Y.
10459

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name TYQUAN HASKINS
 ID # 241-10-10879
 Current Institution G.M.D.C
 Address 15-15 Hazen St C/73
EAST ELMHURST N.Y. 11370 four main B side.

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Criminal Case Bronx Supreme Court.
Honorable Judge Best.

Date: 2/9/11

Docket Number: 2010BX066927

Court Part: D.V

people v. Cantor, the new york state court of appeals. On October/22/10 around 8:45am my door to the apartment was blown off the hinges as well I was knock down by an officer with a gun and shield. It was the 41 Precinct which is located at 1035 longwood Avenue Bronx, N.Y. 10459. Number(718)-542-4771 NBBX. The official I spoke to didn't provide me a copy or show me a No Knock Warrant. Which official Carlos Marchena shield #029700 say he don't have to show me anything as well he put me in hand cuff and empty out my pocket's as well anything. That was taking from me was not voucher's as well my money and keys and cell phone as well my tool box was broken into by official Carlos Marchena shield #029700 who took 6,500 dollar's from me and didn't voucher the money or my property that was taken from me as well they took me out so I couldn't observe the official search since I was asking about a voucher for my property as well my money, they took me out of the building. Official Carlos Marchena shield #029700 say put me in a van so I couldn't see them search the place as well official said that I am being charge with sell of marijuana and the money that was in the tool box will be use for evidence. Official Carlos Marchena came down and said to me that they found two guns and if it wasn't for the lock smith cutter to cut the lock off of my tool box they will of never found the money he ask me where did I get the all that money from as well official Carlos Marchena said's that I am going down for the two guns they found in the apartment located in the bed room he say. I knew official was lying to me about what he found as well official never show me a No Knock warrant or a search warrant for them to not voucher my property. My home was searched pursuant to an unreliable search warrant despite a clear lack of evidence and lack of probable cause in their search, official Carlos Marchena of NBBX shield #029700 found two ounces and seized two guns. I claim that the guns and marijuana was never in the apartment and they must got the wrong apartment to find stuff like that in my apartment I said to him. Authorities based on the doctrine of "the fruit of [a] Poisonous[sic] tree". By 41st precinct and that official Carlos Marchena knew or should have know that the making of the search warrant and the indictment were illegal pursuant to lack of probable cause (Doc.3) I alleges that Carlos Marchena of NBBX shield #029700, Falsely arrested me for the crime of selling as well they add another case Robbery in the first degree, Which I didn't commit, based on Carlos Marchena actions in coercing witnesses and fabricating evidence. I was arrested on one charge and they charged me with another. Which was robbery in the first degree. The grand jury indictment was 19 counts on the robbery case I was subsequent confined in Rikers Island since 10/23/10 until 02/24/11. My next case date to be back in court at the Bronx Supreme Part: D.V I feel tortured, threatened, harassed, by my lawyer who want me to take the D.A. plea bargain and forced to incriminate me, although I continued to tell the truth. I am not guilty of any crime as well my constitution right has been violated by the governmental authority, 41st precinct for unreasonable search and seizure. My fourth amendment as well six and eight has been violated. And I thought in order to determine whether a search is reasonable, the government's interest in protecting the security of its citizens must be weighed against the encroachment of an individual's right to privacy and personal security.

Arraign on Robbery the first degree. 19 counts
Docket: 2010BX066928
15-15 Hazen St
East Elmhurst N.Y. 11370 Indictment No: 04023
G.M.D.C.
4 main B side

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BRONX SUPREME COURT
CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF NEW YORK

v.

STATE OF NEW YORK

COUNTY OF THE BRONX

1. EDWARD BARKER M/28

2. TYQUAN HASKINS M/27 *E/1000 B/C*
10/27 B

Defendants

2010BX066927



LPO CAMLOS MARCHENA of NBBX, Shield# 029700, states that on or about October 22, 2010 at approximately 8:45 AM at inside of 534 East 138th Street, County of the Bronx, State of New York,

THE DEFENDANTS, ACTING IN CONCERT, COMMITTED THE OFFENSES OF:

- | | |
|----------------------|--|
| 1 (M) P.L. 221.15 | Criminal Possession of Marijuana 4 th |
| 2 (M) A.C. 10-131(b) | Firearms |
| 3 (M) P.L. 221.10(2) | Criminal Possession of Marijuana 5 th |
| 4 (V) P.L. 221.05 | Unlawful Possession of Marijuana |

IN THAT THE DEFENDANTS, ACTING IN CONCERT, DID: knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than two ounces.; sell, offer to sell or have in his possession any air pistol or air rifle or similar instrument in which the propelling force is a spring or air.; knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than twenty-five grams. and knowingly and unlawfully possess marijuana.

THE GROUNDS FOR THE DEPONENT'S BELIEF ARE AS FOLLOWS:

Deponent states that, at the above time and place, deponent was executing a search warrant for the above location issued on October 19, 2010 and valid for ten (10) days thereafter by the Honorable Judge-Margaret Clancy.

Deponent further states that deponent observed defendants acting in concert, in that, he observed defendant BARKER and defendant HASKINS standing next to the bathroom inside of the above mentioned location.

Deponent further states that he observed defendants to have in their custody and control, inside of a toolbox on top of the television, one (1) large and one (1) medium ziplock bag each containing a dried green leafy substance.

Deponent states, that he observed the aforementioned substance to be a dried, green leafy substance with a distinctive odor, and that, based upon his observations, training, and experience, which includes training in the recognition of marijuana and its packaging, the aforementioned substance is

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alleged and believed to be MARIJUANA weight of more than two (2) ounces.

Deponent further states that he observed defendants to have in their custody and control, inside of a laundry bag at above mentioned location, one (1) B.B. gun.

Deponent further states that based on deponent's training and experience, if said gun was discharged by pulling the trigger said gun would discharge a pellet and the propelling force would be air.

Deponent further states that he observed numerous documents and paperwork containing the names of defendant HASKINS and defendant BARKER and the above location's address in the bedroom of above-mentioned location.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE
AS A CLASS A MISDEMEANOR PURSUANT TO P.L. 210.45

10-22-10 2130

DATE and TIME



SIGNATURE

THE PEOPLE OF THE STATE OF NEW YORK

v.

1. TYQUAN HASKINS M/27

3570
B/C

710.30 13
long photo
250.20
B-10/27

Defendant

STATE OF NEW YORK

COUNTY OF THE BRONX

DOMESTIC VIOLENCE

FAMILY OFFENSE

Defendant:

Children in Common

(Relationship To Victim)

20108X06692



210X0667 24

TABITHA WYNNE states that on or about October 4, 2010 at approximately 1:37 PM at inside of 595 Calhoun Avenue, Apartment 2A, County of the Bronx, State of New York,

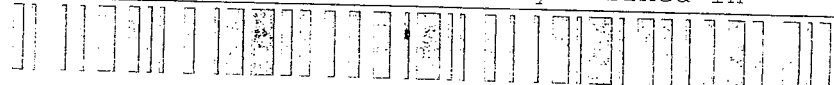
THE DEFENDANT COMMITTED THE OFFENSES OF:

- | | |
|-------------------------|--|
| 1 (F) P.L. 160.15(3) | Robbery 1^ (DNA Qualified Offense) |
| 2 (F) P.L. 140.30(4) | Burglary 1^ (DNA Qualified Offense) |
| 3 (F) P.L. 140.30(3) | Burglary 1^ (DNA Qualified Offense) |
| 4 (F) P.L. 160.10(2)(b) | Robbery 2^ (DNA Qualified Offense) |
| 5 (F) P.L. 140.25(2) | Burglary 2^ (DNA Qualified Offense) |
| 6 (F) P.L. 140.25(1)(c) | Burglary 2^ (DNA Qualified Offense) |
| 7 (F) P.L. 160.05 | Robbery 3^ (DNA Qualified Offense) |
| 8 (F) P.L. 120.05(6) | Assault 2^ (DNA Qualified Offense) |
| 9 (F) P.L. 140.20 | Burglary 3^ (DNA Qualified Offense) |
| 10 (F) P.L. 155.30(5) | Grand Larceny 4^ |
| 11 (M) P.L. 120.00(1) | Assault 3^ (DNA Qualified Offense) |
| 12 (M) P.L. 140.15 | Criminal Trespass 2^ (DNA Qualified Offense) |
| 13 (M) P.L. 155.25 | Petit Larceny (DNA Qualified Offense) |
| 14 (M) P.L. 265.01(2) | Criminal Possession of a Weapon 4^ |
| 15 (M) P.L. 265.01(1) | Criminal Possession of a Weapon 4^ |
| 16 (M) P.L. 260.10(1) | Endangering the Welfare of a Child (DNA Qualified Offense) |
| 17 (M) P.L. 165.40 | Criminal Possession of Stolen Property 5^ |
| 18 (M) P.L. 145.00(1) | Criminal Mischief 4^ |
| 19 (V) P.L. 140.05 | Trespass |
| 20 (V) P.L. 240.26(1) | Harassment 2^ |

IN THAT THE DEFENDANT DID: forcibly steal property and use or threaten the immediate use of a dangerous instrument; knowingly enter or remain unlawfully in a dwelling with intent to commit a crime therein and display what appeared to be a firearm; knowingly enter or remain unlawfully in a dwelling with intent to commit a crime therein and use or threaten the immediate use of a dangerous instrument; forcibly steal property and display what appeared to be a firearm; knowingly enter or remain unlawfully in a dwelling with intent to commit a crime therein; knowingly enter or remain unlawfully in a building with intent to commit a crime therein and use or threaten the immediate use of a dangerous instrument; forcibly steal property; in the course of and in furtherance of the commission or attempted commission of a felony, other than a felony defined in



001897100



Handwritten signature/initials

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX, PART DV

-----X
THE PEOPLE OF THE STATE OF NEW YORK

INDICTMENT NO.: 4023/2010

- against -

**AFFIRMATION IN
SUPPORT OF MOTION**

TYQUAN HASKINS,

Next on: February 24, 2011

Defendant.
-----X

ELIZABETH V. ROECKELL, an attorney duly admitted to practice law in New York State, affirms the following to be true:

1. I am the attorney of record for the defendant. I am familiar with the facts of this case and the prior proceedings held in it.
2. This affirmation is made in support of defendant's Omnibus Motion.
3. Unless otherwise indicated, all allegations of fact are based upon inspection of the record in this case, initial investigations of the facts and circumstances surrounding the incident, conversations with the defendant, and a discussion with the assistant district attorney, and are made on information and belief.

PROCEDURAL HISTORY

4. Mr. Haskins was arrested on the 4th day of October 2010. He was arraigned on the charge of Robbery in the First Degree, Burglary in the First Degree, Assault in the Second Degree, Criminal Possession of a Weapon in the Fourth Degree and other related charges.

5. Mr. Haskins is presently incarcerated and being held on Three Thousand Five Hundred dollars bail (\$3,500.00).

6. This matter was assigned to the affirmant on December 14, 2010. On said date the matter was before Hon. J. Best. The Court set a motion schedule.

7. This motion is filed on a timely basis pursuant to the Court's directive.

FACTUAL ALLEGATIONS

8. The People allege that on or about October 4, 2010, at approximately 1:37 pm, inside of 595 Calhoun Avenue, Apartment 2A, Bronx, New York, the defendant was observed inside the apartment breaking windows. It is further alleged the door to the premises was dented and the lock was damaged. The People further allege defendant pointed a gun to the complainant's head and demanded his phone. It is further alleged defendant bit complainant's hand and punched her about the stomach causing substantial pain and suffering. The People allege defendant did not have permission or authority to enter the premises

9. Defendant denies each and every allegation.

MOTION FOR INSPECTION AND DISMISSAL

10. The defendant respectfully moves this Court for an inspection of the Grand Jury minutes and a determination whether dismissal of the indictment is warranted because the evidence before the Grand Jury was legally insufficient to support the charges in the indictment. See C.P.L. §190.65(1). Upon a finding that evidence before the Grand Jury was not legally sufficient to establish commission of the offenses charged, or any lesser-included offenses, the defendant requests a dismissal of this indictment, or the appropriate counts thereof, or a reduction of the charges contained in the indictment pursuant to C.P.L. §210.30.

ADDENDUM I

CASE NAME: TYQUAN HASKINS
 CHILD NAME: SHADASHIA HASKINS
 CASE NUMBER: 6192407
 DATE PET FILED: 10/15/2010

THE CHILDREN:

SHADASHIA HASKINS (DOB 05/09/2005)
 TYQUAN HASKINS (DOB 08/13/2006)
 DARRIS HASKINS (DOB 07/17/2007)

THE RESPONDENT:

TYQUAN HASKINS

SHADASHIA HASKINS (DOB: 5/9/2005), TYQUAN HASKINS (DOB: 8/13/2006) and DARRIS HASKINS (DOB: 7/17/2007) are children less than eighteen years of age whose physical, mental or emotional conditions have been impaired or is in imminent danger of becoming impaired as a result of the failure of their FATHER, TYQUAN HASKINS (DOB: 2/15/1983) a person legally responsible for their care to exercise a minimum degree of care in providing them with proper supervision or guardianship by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, or by any other acts of a similarly serious nature requiring the aid of the Court within the purview of the FCA Section 1012 (f) (i) (b), in that:

1. The Respondent father neglects the subject children by reason of his exposing them to his physical assaults upon the mother, which caused or may cause risk of physical and/or emotional harm to the children, which included, but not limited to:

a. On October 4, 2010, a social worker from Jacobi Medical Center reported that on that date the Respondent father broke into the home and waited for the mother and the children to return. The Respondent father was waiting with a gun inside the home. The mother and the subject child SHADASHIA came home at which time the Respondent father punched and bit the mother in front of the subject child.

b. On October 8, 2010, the mother told ACS CPS that on October 4, 2010 she and the subject child SHADASHIA were returning home and she found the apartment door to be unlocked. When the mother opened the door she found screw drivers on the floor and saw the Respondent father standing inside the home. The mother also saw that the Respondent father had broken a window. At that point the mother told the subject child SHADASHIA to run and she and the child ran out of the building with the Respondent father in pursuit. Out in front of the building the Respondent father grabbed the mother, started kicking her in the stomach and punching her, he bit her hand to get the house keys from her and stated these keys belong to me. Then, the subject child SHADASHIA told the mother "mommy, he has a gun." The Respondent father then pointed a gun at the mother. The mother was eventually able to call the police with her cell phone even as the Respondent father was attempting to hang up and take the phone from the mother.

c. There is a final order of protection from Bronx Supreme court dated July 2, 2009 that is effective until July 1, 2014. Presently there is a warrant for the arrest of the Respondent father.

d. On October 8, 2010, the mother told ACS CPS that the Respondent father

Dear: counsel Michael S. Greifinger, Attorney at law.
 My criminal lawyer attorney counsel name is Elizabeth V. Roeckell as well her phone number is (914-242-9494) Address is 239 Lexington Ave, 2nd Floor Mt. Kisco, New York 10549. in case you can't get incontact with her at all.
 IF you speak to her please aks her to do a pre trial motion on the first case Docket number 2010bx066927 which as well I will ask for a Discovery on case. I feel my fourth and fifth amendments has been violated by the polices and court's and fist lawyer that the judge appointed to me to get me to take a pl I fired Richard A. Gould, for waive my right to 190.50 grand jurly on the fir case. At that time I was never fingerprint for robbery in the first. He waive my right's on the 11/3/10 that was a wednesday he waive my 180.80. Evey counsel that I get forcus on the second case which is robbery in the fir Docket number 2010bx066928 I was order by judge to get finger print on the December/3/10 I gave theam my finger print's and they gave me another charges which was call Menacing-1stdegree which that case has been opening on 02/12/0 It's like the D.A was building a case agaings me because they only had a complaint that the complaintive was coming to court and testify again's me. Which the case is a prejurlly case which is a 210.45 False statements made. I have been arraign on 19 count's of the second case but for the first case which is Staten that the 41 precent had A search warrant to knock down the door to apartment 205 building 534 located at east 138st approximately 8:45am and found criminal possession of Marijuana4 as well Firearms as well two ounce's in the apartment that I was in and they charge my borther as a codedee who got releess by the judge on the 10/27/10 on a A.C.D which means he was guilty of plea guilty to the chages to get releess but for me who was never arraign on robbery in the first degree had to be remanded because of the D.A had an indic so they hold me because of DA indictment which they say they got it from victi I am worry about the first case more than the second case.
 The first case show my fourth and fifth amendments right's had been violated. The second Docket number is 2010bx066928 is a conflict of story as well a family issuse to be up held by the court of law when they find out her story keep's on switching up down the laine the people will make an offer which they did have befor I got arraign for the robbery in the first degree. They offer me a year and my lawyer who waive my right's ask me to take it I go made at him for wantening me to plea guilty for a crimin I was not arrested o I was being offer a year by the DA who had not arraign me for the robbery at a I knew my lawyer had to be working with the DA since he wanted me to take the plea bargan which I was confuse about what was going on with my case. Evey lawyer I get keep going on the second case while the big case is the first case I in the computer system for Marijuana and a 4500 baild bound but there no robbery in the first degree as well I feel my right's has been violated. I hop you read your family court case story and you will see the conflict of story that I been telling you as a lawyer you can property talk to my new lawyer Ms. Elizabeth V. Roeckell about the two diffrent story that you will recive from me. I will send you a copy of the first case as well the second case. The only thing I ask is can you write back to me to let me know if you made contact with my lawyer who's new on my case and she never write back to me about my case will you as a lawyer get in contact with her and ask about my case please